

**BEFORE THE  
EMPLOYMENT APPEAL BOARD  
6200 Park Avenue, Suite 100  
Des Moines, Iowa 50321-1270  
eab.iowa.gov**

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**RYAN M BROWN**

Claimant

: **APPEAL NUMBER:** 24B-UI-03842  
: **ALJ HEARING NUMBER:** 24A-UI-03842

and

:  
: **EMPLOYMENT APPEAL BOARD  
DECISION**

**ENERGY MFG CO INC**

:  
:  
:  
:

Employer

**SECTION:** 10A.601 Employment Appeal Board Review

**FINDINGS OF FACT:**

The notice of hearing in this matter was mailed April 17, 2024. The notice set a hearing for May 1 at 9:00 a.m. The Claimant did not appear for the hearing because he wrote down the wrong phone number and called another administrative law judge (ALJ) for the hearing. That ALJ could not find the information to redirect him to the correct hearing line. A hearing was held and the ALJ hearing the case found the Claimant had been discharged for disqualifying misconduct and denied benefits.

**REASONING AND CONCLUSIONS OF LAW:**

Iowa Code section 10A.601(4) (2015) provides:

4. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of a administrative law judge on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The appeal board shall permit such further appeal by any of the parties interested in a decision of an administrative law judge and by the representative whose decision has been overruled or modified by the administrative law judge. The appeal board shall review the case pursuant to rules adopted by the appeal board. The appeal board shall promptly notify the interested parties of its findings and decision.

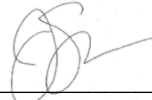
Here, the Claimant did not participate in the hearing because he wrote down the wrong phone number. However, when he contacted the Unemployment Insurance Appeals Bureau (UIAB), he was unable to receive the necessary assistance to get to the correct hearing. The Claimant calling an ALJ, even if it is the wrong one, indicates he intended to pursue his claim and was unable, in part because he could not receive assistance. Although the administrative law judge entered a decision denying the Claimant's benefits, based in part on his failure to appear at the hearing, the Board finds that the Claimant provided good cause for their nonparticipation. For this reason, the matter will be remanded for another hearing before an administrative law judge.

**DECISION:**

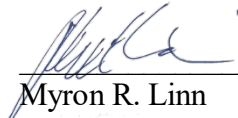
The decision of the administrative law judge dated May 3, 2024, is not vacated and remains in force unless and until the Department makes a differing determination pursuant to this remand. This matter is remanded to an administrative law judge who shall conduct a hearing following due notice. After the hearing, the administrative law judge shall issue a decision which provides the parties appeal rights.

NOTE TO CLAIMANT: We will not remand the case for this reason again. You are responsible for having your Notice of Hearing with you which has both the phone number for the ALJ and the UIAB customer service line.

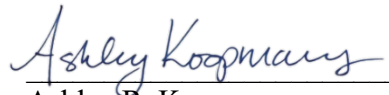
When you receive the Notice of Hearing, please read and follow the instructions carefully. If you do not receive a Notice of Hearing within fifteen days of the date on this decision, you must call the Unemployment Insurance Appeal Bureau to get information about the new hearing.



James M. Strohman



Myron R. Linn



Ashley R. Koopmans

SRC/mes

**DATED AND MAILED June 12, 2024**